HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.9878 of 2007

Date: 01-05-2007.

Between :

Subash Mallik.

.....Petitioner

And

The Divisional Forest Officer, Kaghaznagar, Adilabad District.

.....Respondent.

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.9878 of 2007

ORDER :

The vehicle of the petitioner, bearing No.APK-7609 was seized by Forest Range Officer, Kaghaznagar alleging that it was involved in commission of offence under the A.P.Forest Act, 1967 (for short 'the Act'). It was produced before the Judicial First Class Magistrate, Sirpur. Proceedings under Section 44 of the Act are initiated before the respondent. The petitioner seeks release of vehicle, pleading that it is the only source of his livelihood.

Heard learned counsel for the petitioner and the learned Government Pleader for Forest.

Once an offence is booked in relation to a vehicle under the Act, this Court normally does not direct release of the vehicles. The petitioner can approach the respondent himself for release of vehicle and in case the respondent is satisfied that necessary conditions exist therefor, he can pass appropriate orders. However, if the

respondent is not inclined to release the vehicle, the proceedings under Section 44 themselves can be expedited.

Hence, the writ petition is disposed of leaving it open to the petitioner to file an application before the respondent for release of vehicle. The same shall be considered on merits and appropriate orders can be passed within two weeks from the date of presentation thereof. In case the respondent does not inclined to release the vehicle pending adjudication of the proceedings, he shall expedite the disposal of the main proceedings and conclude the same within three months from the date of receipt of a copy of this order.

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L. NARASIMHA REDDY, J

1st May 2007

N.B:-
Furnish copy in three days.

(b/o)

ajr